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7                   **UNITED STATES DISTRICT COURT**  
8                   **WESTERN DISTRICT OF WASHINGTON**  
9                   **AT TACOMA**

10 ROBYN A. VANLOHUIZEN, a single  
woman,

11                   Plaintiff,

12                   v.

13 STATE OF WASHINGTON, et al.,

14                   Defendants.

15                   NO. C09-5469 RBL

16                   STIPULATED PROTECTIVE ORDER

17                   **NOTE ON MOTION CALENDAR:**  
18                   **DECEMBER 24, 2009**

19                   **I. STIPULATION**

20 Pursuant to Fed. R. Civ. P. 26(c) and the release executed by Ashley McGrath, attached  
hereto as **Exhibit A**, the parties, by and through their attorneys of record, hereby stipulate to the  
terms of the subjoined Protective Order and entry of the same.

21                   DATED this 24<sup>th</sup> day of December, 2009.

22 ROBERT M. MCKENNA  
23 Attorney General

24                   LAW, LYMAN, DANIEL, KAMERRER &  
25 BOGDANOVICH, P.S.

26                   */s/ Ian M. Bauer*

IAN BAUER, WSBA No. 35563  
Assistant Attorney General  
Attorneys for Defendants State of Washington,  
Department of Social and Health Services, Jodi  
and "John Doe" Lamoreaux, and Erin and  
"John Doe" Schumacher

*/s/ John E. Justice*

John E. Justice, WSBA No. 23042  
Attorneys for the City of Hoquiam and "John  
Doe" Hoquiam Police Officer

1 PREBLE LAW FIRM, P.S.  
2

3 /s/ Gary A. Preble

4 GARY A. PREBLE, WSBA No. 14758  
5 Attorneys for Plaintiff Robyn A.  
VanLohuizen

6 **II. PROTECTIVE ORDER**

7 Pursuant to Fed. R. Civ. P. 26(c), the Court makes the following findings and Order:

- 8 1. RCW 13.50.010, 26.44.030(9), and 74.04.060 establish that the Department of  
9 Social and Health Services' records and files and information therein are  
10 confidential and privileged. Said files may also contain documents that are  
confidential or privileged under 45 CFR parts 160 and 164, as well as RCW 10.97.
- 11 2. Documents contained in the Department of Social and Health Services' records and  
files pertaining to Plaintiff's daughter, Ashley McGrath, may be relevant to the  
12 claims and defenses in the above-captioned action. State Defendants have identified  
said documents in their Fed. R. Civ. P. 26(a) Initial Disclosures.
- 13 3. On 12/10/09, Ms. McGrath executed a release authorizing disclosure of her  
14 Department of Social and Health Services records to the parties herein for the  
purposes of this lawsuit, a copy of which is attached hereto as **Exhibit A**.
- 15 4. RCW 42.56 establishes that personnel files maintained by the Department of Social  
and Health Services regarding Defendant Erin Schumacher and Defendant Jodi  
16 Lamoreaux are confidential and privileged. *See, e.g., Dawson v. Daly*, 120 Wn.2d  
782, 794-800, 845 P.2d 995 (1993).
- 17 5. Documents contained in Ms. Schumacher and Ms. Lamoreaux's personnel files  
may be relevant to the claims and defenses in the above-captioned action. State  
Defendants have identified said documents in their Fed. R. Civ. P. 26(a) Initial  
Disclosures.

18 IT IS HEREBY ORDERED that, pursuant to the release executed by Ashley McGrath and  
21 the consent of Defendants Schumacher and Lamoreaux (as evinced by the execution of the  
22 Stipulation set forth above), the State Defendants are authorized to release the above-referenced  
23 records to counsel for Plaintiff and co-Defendants.

1       IT IS FURTHER ORDERED that all records, information and evidence exchanged  
2 between the parties in this lawsuit are subject to this Protective Order and will not be  
3 disseminated to anyone outside this litigation. These documents shall not be disclosed in any  
4 manner or form to any person and/or entities other than the parties, parties' attorneys, insurers,  
5 experts retained by the parties' attorneys, their staff, deponents and witnesses in this action, and  
6 individuals otherwise entitled to obtain said information pursuant to statutory exemptions from  
7 confidentiality. However, nothing herein shall be construed as limiting Plaintiff's right to  
8 disseminate or retain her own records as she deems appropriate.

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10     IT IS FURTHER ORDERED that counsel for the parties shall use all documents produced  
11 or disclosed pursuant to this Protective Order solely for the purpose of preparation for and trial in  
12 this action. Under no circumstances shall information or materials covered by this Protective  
13 Order be disclosed to the media or anyone other than as provided herein, unless permission for  
14 any such disclosure is separately obtained.  
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16     IT IS FURTHER ORDERED that a copy of this Protective Order shall accompany any  
17 copy of the documents this Protective Order released to anyone. No person who receives the  
18 documents shall disclose them or any information gained or derived from them to anyone without  
19 further order of the Court unless the person to whom the documents are disclosed is otherwise  
20 entitled to obtain said documents pursuant to this Protective Order or to statutory exemptions from  
21 confidentiality.  
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23     IT IS FURTHER ORDERED that at the conclusion of the proceedings in this action,  
24 including any appeal(s), all documents subject to this Protective Order, including any copies or  
25 descriptions thereof, shall be returned to counsel for the State of Washington or destroyed by the  
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1 party having such documents, except that with permission of Ashley McGrath, plaintiff's attorney  
2 may retain the records of Ashley McGrath, or deliver them to her.

3 IT IS FURTHER ORDERED that this Protective Order shall remain in full force and  
4 effect until such time as this Court modifies its terms or releases the parties from its provisions.  
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6 DONE IN OPEN COURT this 28<sup>th</sup> day of December, 2009.

7   
8 RONALD B. LEIGHTON  
9 UNITED STATES DISTRICT JUDGE

10 Presented by:

11 ROBERT M. MCKENNA  
12 Attorney General

13 /s/ *Ian M. Bauer*  
14 IAN BAUER, WSBA No. 35563

15 Assistant Attorney General  
16 Attorneys for Defendants State of Washington,  
17 Department of Social and Health Services, Jodi  
and "John Doe" Lamoreaux, and Erin and  
"John Doe" Schumacher

18 Approved for Entry:

19 PREBLE LAW FIRM, P.S.

Approved for Entry:

LAW, LYMAN, DANIEL, KAMERRER &  
BOGDANOVICH, P.S.

21 /s/ *Gary A. Preble*  
22 GARY A. PREBLE, WSBA No. 14758  
23 Attorneys for Plaintiff Robyn A.  
VanLohuizen

21 /s/ *John E. Justice*  
22 John E. Justice, WSBA No. 23042  
23 Attorneys for the City of Hoquiam and "John  
Doe" Hoquiam Police Officer